

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33767 of 2016

Arising Out of PS.Case No. -86 Year- 2016 Thana -SHEOHAR District- SHEOHAR

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Dulari Devi Wife of Dilip Sah Resident of Ward No. 13, P.S. - Sheohar,
District - Sheohar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends her arrest in connection
with Sheohar P.S. Case No. 86 of 2016 registered for the offence
punishable under Sections 323, 504, 506, 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that while on
28.05.2016 in the morning informant woke up and came out from
his house, his brother Dilip Sah fired from country made katta, as
a result of which he sustained injuries on his left thigh. Accused
person also assaulted the informant with fists and slaps. It is
alleged that wife of co-accused Dilip Sah gave him Katta and told
him to fire. Accused Dilip Sah was searching the brother of the

informant, Ashok Sah, but he fled away.

It has been submitted by the learned counsel for the petitioner that petitioner is Bhabhi of the informant and her husband Dilip Sah, who is alleged to have fired on Pradip Sah, the informant, are full brothers and occurrence took place due to dispute regarding homestead land. It has further been submitted that no case under Section 307 of the Indian Penal Code is made out against the petitioner, as there is no allegation against her of firing or causing injury to the informant. The only allegation is that petitioner gave katta to her husband, who is brother of the informant, Dilip Sah. It has also been submitted that the petitioner has no criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner was an accomplice to the accused Dilip Sah and is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since petitioner is a lady and no overt act is attributed to her, let the petitioner, named above, in the event of her arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with

two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 86 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

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